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**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA**

RANDALL MENGES,

Plaintiff,

v.

TIM FOX, Attorney General of the
State of Montana; GARY SEDER,
Bureau Chief of the Montana
Crime Information Bureau; and
SARA MALIKIE, Head of the Sexual
and Violent Offenders Program
for the Missoula County Sheriff's
Office, each in their official
capacities,

Defendants.

Case No. 9:20-cv-178-DLC-KLD

**DECLARATION OF
RANDALL MENGES IN
SUPPORT OF PLAINTIFF'S
MOTION FOR A
PRELIMINARY
INJUNCTION**

I, Randall Menges, declare as follows:

1. The facts contained in this declaration are personally known to me and, if called as a witness, I could and would testify completely thereto under oath.

2. In 1993, I lived at Pratt Ranch in Gem County, Idaho. Pratt Ranch was a 12-bed youth foster program and working ranch for troubled young men.

3. I turned 18 in October 1993. I stayed on at Pratt Ranch after I aged out of the foster program because I enjoyed performing ranch work and didn't have many other options.

4. In December 1993, I had consensual sex with two other male residents of Pratt Ranch. They were both sixteen. They had had sex with each other prior to getting me involved.

5. Gem County charged me with three counts of Crime Against Nature.

6. In 1994, I reached a plea agreement with the prosecution where I would plead guilty to one count of Crime Against Nature and the prosecutor would request a term of probation.

7. The judge did not accept the prosecutor's recommendation. Instead, he sentenced me to 15 years imprisonment—a five-year determinate sentence followed by a ten-year indeterminate sentence.

8. My Crime Against Nature conviction is my only registerable conviction.

9. After I was released, I moved to Montana in or around 2018. As a result of my 1994 Crime Against Nature conviction, Montana law mandated that I register with the Montana Sexual or Violent Offender Registry.

10. In late March 2020, as the Coronavirus pandemic was in its initial stages in this country, I left Montana for Washington state, in part because Washington law does not require me to register for my Crime Against Nature conviction. I called the the Missoula County Sheriff's Office to let them know I was leaving the state but was not able to reach anyone. I assumed the office was closed, like everything else, on account of the pandemic.

11. I came to learn that I remained on the Montana Sexual or Violent Offender Registry.

12. In November 2020, the food delivery platform Postmates denied my application to deliver food through the platform because he was listed on the Montana registry.

13. In December 2020, I returned to Boise, Idaho. I was denied entry to a homeless shelter on a below-freezing night because the shelter told me that Montana had marked me noncompliant with the Montana Sexual or Violent Offender Registry, despite me not having resided in Montana for more than seven months.

14. My inclusion on the Montana Sexual or Violent Offender Registry has damaged dozens of employment opportunities and personal relationships.

15. I want to return to Montana. I want to do ranch and rodeo work and live near mountains with a lower cost of living. I'd like to relocate to Montana permanently, but at least to look for employment. I haven't because sex offender registration makes employment, and life generally, so difficult.

In accordance with 28 U.S.C. § 1746 and under penalty of perjury, I swear that the foregoing is true and correct.

Executed on December 24, 2020 in Boise, ID

A handwritten signature in black ink, appearing to read 'R. Menges', is written over a horizontal line.

Randall Menges